

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
January 8, 2013 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members Robert Gordon, Joan Bennett and Harry Kent. Town Solicitor Seth Thompson, Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL TO ORDER:

Mayor Gerry Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Hocker led the pledge of allegiance.

3. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES:

Deputy Mayor Subity motioned to accept the Council minutes of December 11, 2012. Council Member Kent seconded his motion.
Motion carried 5-0.

4. TREASURER'S REPORT:

Council Member Joan Bennett presented the Financial Report for month ending 12/31/12.

December 31, 2012:

General Revenue: \$ 47,386.	General Expenses: \$ 36,049.
Restricted Revenue: 50,902.	Restricted Expenses: 2,532.

Deputy Mayor Subity motioned to accept the Treasurers Report.
Council Member Gordon seconded his motion.
Motion carried 5-0.

5. ADMINISTRATIVE REPORT:

Ms. Botchie stated she and Town Clerk Matt Amerling had attended the first meeting on December 12, 2012, regarding the Smithsonian exhibit "The Way We Worked," and that the grand opening for the exhibit will be Sunday, May 19, 2013, at the Historical Society Shorehouse in Ocean View. Ms. Botchie stated she and Mr. Amerling are on the committee to put the grand opening reception together. She stated the exhibit will open on Saturday, May 18, 2013, with the last day of the exhibit on Sunday, June 23, 2013, and will run from Friday to Mondays from 10 a.m. to 3 p.m. Ms. Botchie stated there will be another meeting on the exhibit at Millville Town Hall on Tuesday, January 15, 2013, and she will have more to report in February.

Council Member Joan Bennett asked Ms. Botchie if there was a report on the increases to various line items for improvements to the Millville Town Hall, such as power washing. Ms. Botchie stated the power washing, soffett, and lighting is complete, and the sub-pump has been purchased but not installed yet, which Council Member Kent could describe in more detail as to the reason.

6. **PUBLIC HEARING:** Deputy Mayor Subity motioned to open the **Public Hearing** at 7:07pm. Council Member Kent seconded his motion. All present voted in favor. Motion carried 5-0.

7. **PUBLIC HEARING**

- A. To consider for approval the application submitted by Dove Barrington Development, LLC, for a Conditional Use located on tax map and parcel numbers 1-34 12.00-372.00, 373.00, 373.01, 373.02 and 373.03, in accordance with the Town of Millville Code Article X. The applicant is proposing a “Temporary Residential Real Estate Sales Center” for Bishops Landing Subdivision. Synopsis: The Planning and Zoning Commission voted 5-0, recommending the Town Council approve the above application with the following conditions:
1. The signage proposed will be no larger than 50% of the front façade (Width of the building) and only 1 sign is permitted.
 2. Lighting shall be provided on the site by the use of 2 carriage lights, 1 located on each side of the Sales Center.
 3. The material used at the entrance to the Sales Center shall be an all-weather durable material (i.e., Pavers or Treks).
 4. The Sales Center must be removed within 1 year as per the Town’s Code Article X, entitled Conditional Use, and then returned to the original site condition.

Council Member Gordon read the Public Notice which was posted in the local newspaper. Mayor Hocker asked Ms. Botchie if she read any written comments and she stated no. GMB engineer Steve Marsh stated he and Steve Brodbeck, of Beazer, approached the Town Council last year regarding the idea for a temporary sales office and there was no regulatory framework within the Code to allow GMB and Beazer to do what they wanted. Mr. Marsh stated the Town Council wanted to make sure that if anyone else wanted to do the same, the Town would be protected. Mr. Marsh further stated GMB and Beazer did apply the conditions from the December 10, 2012, Planning and Zoning Meeting, with additional carriage lights, a smaller sign in the front of the sales center, plus a pitched roof with two different slopes with the front being a standing-seamed copper and a 10-foot deck with an all-weather surface (i.e., Treks or Pavers). Mr. Marsh stated he and Mr. Brodbeck are seeking approval from the Council to continue the planning and building of the sales center.

Council Member Kent asked if the rendering of the signage would be approximate to the location and size on the drawing. Mr. Marsh stated he thinks it will be approximately that scale. Council Member Kent asked if there would be any roof activity. Mr. Brodbeck stated there would not be any roof activity and the only potential would be the parking area off of Burbage Road and nothing that would affect site lines. Ms. Botchie stated Beazer and GMB would have to come in for a sign permit regarding setbacks and would need to be approved. Town Solicitor Seth Thompson stated if it does pass, the performance bond would have to be provided within 30 days. Mayor Hocker asked Council if they had any questions, and there were none. Mayor Hocker asked the audience if they had any questions, and there were none.

Council Member Bennett motioned to close the Public Hearing at 7:14 p.m. Council Member Robert Gordon seconded her motion. Motion carried 5-0.

8. NEW BUSINESS:

- A.** To consider for approval the application submitted by Dove Barrington Development, LLC, for a Conditional Use.

Council Member Bennett motioned to approve the application submitted by Dove Barrington, LLC, for a Conditional Use inclusive of the four conditions made at the December 10, 2012, Planning and Zoning Meeting. Council Member Kent seconded her motion. Motion carried 5-0.

- B.** Millville Farmer's Market – Council Member Kent - Discuss and possible vote for the Town to facilitate a weekly Farmer's Market for the 2013 season.

Council Member Kent stated he would like the Council to consider the reopening of the Town's Farmer's Market in 2013 because of the successful profits gained from the 2012 Farmer's Market. Council Member Bennett stated she would like to suggest to Council to consider utilizing the Delaware State Police for traffic control. Ms. Bennett also stated Thursday would be a good day to use again for 2013 as well as having Linda Kent as Market manager again. Mrs. Linda Kent stated she would like to be the Market manager again and thinks Thursday would be a good day to hold the Market. Mrs. Kent suggested the start date be June 6, 2013, and end on September 12, 2013, because in 2012, the last couple of weeks dragged with not much business because a lot of people leave after Labor Day and the number of attendees shrinks. Mrs. Kent suggested that eggs be sold at this year's Market and vendors be kept local (especially for bakers). Mrs. Kent further suggested the hours of operation change from 9 a.m. to 2 p.m., to 9 a.m. to 1 p.m., because after 12:30 p.m. there were not many customers.

Council Member Bennett asked Mrs. Kent about demonstrations and add-on programs (i.e., booths by non-profits, etc.). Mrs. Kent stated she would like to see demonstrations at this year's Market, including blood pressure and blood drives, organic vs. non-organic, etc.). Ms. Botchie stated all monies spent on the State Police for the Farmer's Market was reimbursed by the Sussex County community monies, and the Town has been awarded \$12,250 this year that can be reimbursed. Mrs. Kent stated on January 29, 2013, there will be a meeting which will be attended by Mrs. Kent, Council Member Kent and Ms. Botchie.

Council Member Kent motioned to fund the Farmer's Market for 2013.
Deputy Mayor Subity seconded his motion.
Motion carried 5-0.

9. OLD BUSINESS:

- A.** Review and consider for approval an agreement between the State of Delaware, Department of Transportation and the Town of Millville; SR 26 Atlantic Avenue from Clarksville to Assawoman Canal, Contract Number 24-112-10. *Synopsis:* This agreement governs the DelDOT taking of the right of way necessary to construct improvements to SR 26, Atlantic Avenue, from Clarksville to Assawoman Canal.
Town Solicitor Thompson stated that after the Council looked over the agreement in August 2012, which prompted the action resulting in the "Right of Entry" agreement from last month. Mr. Thompson stated this is the second portion of the "Right of Entry" agreement having to do with the Town giving its consent for DelDOT to improve the roads within

Town limits. Mr. Thompson stated DelDOT's attorney and he resolved all of Council's concerns that were discussed in August. Mr. Thompson stated by having separate agreements there was no need to add any additional language to paragraph one. Mr. Thompson further stated the only language that needs to change is in paragraph seven the term "Town" would become "State" which now will have the State responsible for any traffic signal utility bills within the project limits. Mr. Thompson stated the only item in paragraph eight after the first sentence is handled in the "Right of Way" agreements, so after the first sentence, everything will be stricken.

Mr. Thompson stated there were questions on the last sentence in paragraph nine addressing "indemnification and hold harmless." He confirmed with DelDOT that – under his interpretation – the only title the Town would be warranting would be the property the Town owns. Mr. Thompson stated the Town would not warrant any property DelDOT acquired. Council Member Gordon asked about the possible traffic light across from the Dollar General; would the Town be responsible for those utilities. Mr. Thompson responded no due to the fact the traffic signal would be in the project limits. Council Member Kent stated he was not comfortable with the language in paragraph nine and would like to see a cover letter reflecting all of the previous memos between DelDOT's attorney and the Town's attorney regarding the indemnification of the State by the Town of Millville. Mr. Thompson stated he could draft a cover memo including the emails with the signed agreement so it is abundantly clear that the Town is relying on the representation of DelDOT and that it is interpreting it the same way as the Council.

Deputy Mayor Subity motioned to pass the agreement between the State of Delaware, Department of Transportation and the Town of Millville pertaining to SR 26 Atlantic Avenue from Clarksville to Assawoman Canal, Contract Number 24-112-10, with the addition of the cover memo. Council Member Kent seconded his motion. The motion was carried 5-0.

10. COMMITTEES

A. Sprinkler System for the Town Hall - Secretary Bob Gordon

Council Member Gordon stated he is looking for direction. Mr. Gordon stated Ms. Botchie, Code and Building Administrator Eric Evans, and he met with the Millville Fire Marshall who gave them three companies for designing and installing a fire suppression system. Mr. Gordon stated out of the three, two have called the Town back and one has refused the call. Mr. Gordon continued to state there was one design bid from Wayman Fire Protection that wants to charge the Town \$7,500 for designs fees to design a sprinkler system that could be contracted to other companies to build and install. Mr. Gordon stated if the Town decided to go with Wayman, the \$7,500 would not be charged to the Town again as design fees; every other company that has made any recommendations wants to have design fees to design the system and be the sole provider of these fees. Mr. Gordon stated he was waiting for Bayside to provide their engineering fees to engineer a system for the Town Hall. Mr. Gordon further stated even if the Town paid the \$7,500 to get this design done, it would give the Council a chance to go through to see what the bids would be. Mr. Gordon asked Council if the project should be sent out to more fire-suppression companies to see what they will do and how much they will charge, or should the Council go with Wayman for the \$7,500 design and then send out the project for bids? Mr. Gordon stated the trouble with Wayman and Bayside is that the Town Hall is not an easy structure to add a fire suppression system, as well as adding to the outside.

Mayor Hocker stated Mr. Gordon should get in touch with a second company. Mr. Gordon stated he is attempting to do that and will have to meet with them so he can get a bid. Mr. Gordon further stated three companies have taken sets of plans of the Town Hall with them, and only one (Wayman) has returned with a price. Council Member Kent stated he hoped Wayman utilizes off-the-shelf products and not proprietary, which would negate anyone else from bidding on the job. Mr. Gordon stated if Wayman designed the system, it is the Town's to use to see fit as the Town sends out the job. Mr. Kent stated there have been months wasted sitting on this and that Wayman is the only company interested; since Wayman is willing to provide the design to the Council, as long as there are no other fees attached, then the Council should put out a proposal based on the design provided to any fire suppression companies. Mr. Gordon stated there are considerations into hiring any company for the installation, such as installing during business hours and the disruption or relocation of Town employees.

Mayor Hocker asked if this topic should be added to the Town Workshop agenda on January 22. Mr. Gordon stated he hoped in two weeks to have Bayside reply to the cost of engineering fees, talk with the Fire Marshall and go from there. Mayor Hocker stated hopefully there will be more information provided in the next two weeks, and that the fire suppression system be discussed at the Town Workshop and put forth for a possible vote.

11. PROPERTY OWNERS/AUDIENCE COMMENTS:

There were no comments.

12. ANNOUNCEMENT OF NEXT MEETING:

Mayor Hocker announced the next meeting of the Council would be a Town Workshop on January 22, 2013, at 7 p.m.

13. ADJOURNMENT:

Council Member Bennett motioned to adjourn the meeting at 7:44 p.m. Council Member Kent seconded her motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk